THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

W.P. No.12577 of 2007

ORDER:

The petitioner seeks *Writ* of *Certiorari* to declare the order dated 11-10-2004 passed in O.A. No.7802 of 2002 by the A.P. Administrative Tribunal as incorrect and ineffective.

The case of the petitioner concisely is that he is working as a Junior Accountant in the respondents' office. During the year 1995 a criminal case was registered against the petitioner by the Woman Police Station, C.C.S., Hyderabad on a complaint lodged by his wife alleging that she was treated cruelly and also demanded for divorce and also alleged that the petitioner had remarried. The said criminal case was ended in conviction. The petitioner preferred an appeal against the conviction order and the same was allowed by setting aside the order of conviction. Consequent to the complaint made by his wife, he was arrested on 20-07-1995 and sent to the judicial custody thereafter, he was enlarged on bail on 27-07-1995, he was arrested when he was on leave. In view of the said arrest, the 2nd respondent issued a charge memo dated 30-08-2000 narrating the said facts for which, the petitioner offered his explanation stating that he was on leave during the arrest period and thought it not necessary to inform the same to the respondents as it has nothing to do with the official duties. An officer was appointed to enquire into the charges, who gave a report stating that the 1st charge, with regard to his arrest, was proved and the 2nd charge, Misbehaviour in terms of Rule

25(1) of A.P. Civil Services (Conduct) Rules, was not proved. Based on the said enquiry report, the 2nd respondent had awarded a punishment of withholding of two annual increments with cumulative effect w.e.f. 01-06-2001 vide proceedings dated 26-04-2002 against which, the petitioner preferred an appeal before the 1st respondent, who rejected the same vide proceedings dated 09-08-2002. Assailing the said proceedings, the petitioner filed O.A. No.7802 of 2002 before the learned Tribunal and the same was ended in dismissal vide its order dated 11-10-2004. Aggrieved by order dated 11-10-2004, the present writ petition has been preferred stating that the learned Tribunal had failed to consider that the petitioner had no opportunity to inform about his arrest to the respondents as he was under judicial remand.

Heard the learned counsel on either side and perused the material on record.

The main grievance of the petitioner is that when he was arrested, he was on leave therefore; he thought it not necessary to inform the respondent.

As could be seen from the order of the learned Tribunal, the contentions raised in the present petition also raised before the learned Tribunal and the learned Tribunal has rightly discussed and considered the facts and circumstances of the case and held that a letter or a post card informing the situation is sufficient to say that he was following the conduct rules by informing the fact of his arrest. Therefore, there is nothing to consider in the present writ petition.

In the result, the Writ Petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Dated: 18.06.2007
LSK